



Seagate Technology LLC
Intellectual Property Department
NRW - 097
7801 Computer Avenue
Bloomington, MN 55435

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Fax Transmission | May 5, 2006

TO: Mail Stop Petition
Commissioner for Patents
Alexandria, VA 22313-1450

FROM: Paul T. Dietz
OUR REF: STL 9029.00

Total pages, including cover letter: 10

~~1-571-273-8300~~


PTO FAX NUMBER: ~~1-703-872-9300~~

If you do NOT receive all of the pages, please telephone us at ~~952-402-7683~~, or fax us at 952-402-8187.


Title of Document Transmitted: Petition to Withdraw Holding of Abandonment Based on Failure to Receive Notice of Allowance, copy of docket where Notice of Allowance would have been entered, copy of Notice of Abandonment, Declaration of Paul T. Dietz in support of Petition to Withdraw Holding of Abandonment and Declaration of Kay Baiers in support of Petition to Withdraw Holding of Abandonment

Applicant:	MYERS et al.
Serial No.:	09/491,098
Filed:	January 25, 2000
Group Art Unit:	2653
Examiner:	LETSCHER, G.
Our Ref. No.:	STL 9029.00

Please charge any additional fees or credit overpayment to Deposit Account No. 50-0372. Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers, if appropriate.

By: 
Name: Paul T. Dietz
Reg. No.: 38,858

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.


Kay Baiers

May 5, 2006
Date

MAY 05 2006

PATENT APPLICATION
EXAMINING GROUP 2600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App:	MYERS et al.	Date:	May 5, 2006
S.N.:	09/491,098	Docket No.:	STL 9029.00
Filed:	January 25, 2000	Examiner:	LETSCHER, G.
For:	SOLDER CONTROL FEATURES FOR A DISC DRIVE HEAD FLEX CIRCUIT INTERCONNECT	Art Unit:	2653

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE NOTICE OF ALLOWANCE**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions to withdraw the holding of abandonment in this case, on the basis that the Notice of Allowance forming the basis of the abandonment was not received. Applicant further requests that the Notice of Allowance and Issue Fee Due be remailed.

FACTS

On June 28, 2005 applicant paid the Issue Fee and Publication Fee in the amount of one thousand seven hundred dollars (\$1,700). On August 8, 2005 the applicant received a Notice Of Withdrawal From Issue Under 37 C.F.R. 1.313(b). On October 17, 2005 Examiner George J. Letscher spoke with applicant's attorney Paul T. Dietz and the examiner agreed to cancel, by Examiner's Amendment, claims 16-18. According to the U.S. Patent Office PAIR website, the Second Notice of Allowance was mailed on November 17, 2005. On April 17, 2006 applicant received a Notice Of Abandonment due to non-payment of the required issue fee and publication fee. Attached hereto is a Declaration of Paul T. Dietz stating that the Office Communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office Communication was not received.

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MAY 05 2006

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P.03

Also attached, as Exhibit A is a copy of the docket record where the Notice of Allowance would have been entered had it been received and docketed. A Declaration of Kay Baierl is attached, which attests to the authenticity of the attached Exhibit A.


A copy of the Notice of Abandonment is enclosed as Exhibit B.

CONCLUSION

It is believed that the foregoing facts, declarations and Exhibits are sufficient to establish the non-receipt of the Notice of Allowance. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn and that the Notice of Allowance and Issue Fee Due be remailed.

Please debit our Deposit Account No. 50-0372 for the petition fee under 37 C.F. R. § 1.17(h) in the amount of \$130.00.

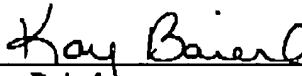
Please charge any additional fees or credit overpayment to the Seagate Technology LLC Deposit Account No. 50-0372.

By: 
Paul T. Dietz
Reg. No. 38,858
Intellectual Property Department - NRW097
Seagate Technology LLC
7801 Computer Avenue South
Bloomington, MN 55435
Telephone: 952.402.8585
Attorney for Applicants

CERTIFICATION UNDER 37 C.F.R. 1.8

Date of Deposit: May 5, 2006

I hereby certify that this paper is being transmitted via facsimile to the U.S. Patent and Trademark Office, Mail Stop Petition, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown above.


Kay Baierl

MAY 05 2006

PATENT APPLICATION
EXAMINING GROUP 2600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App:	MYERS et al.	Date:	May 5, 2006
S.N.:	09/491,098	Docket No.:	STL 9029.00
Filed:	January 25, 2000	Examiner:	LETSCHER,
G.			
For:	SOLDER CONTROL FEATURES FOR A DISC DRIVE HEAD FLEX CIRCUIT INTERCONNECT	Art Unit:	2653

**DECLARATION OF PAUL T. DIETZ IN SUPPORT OF PETITION TO
WITHDRAW HOLDING OF ABANDONMENT**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Paul T. Dietz, declare and state:

1. I am an attorney at Seagate Technology LLC, 7801 Computer Avenue South, Bloomington, MN 55435, and am prosecuting the above-referenced patent application.
2. According to the PAIR website a Notice of Allowance was mailed on November 17, 2005 and identifies Seagate Technology LLC as the addressee.
3. Attached Exhibit B is a copy of the Notice of Abandonment dated April 11, 2006 which was received on or about April 17, 2006. The cover page of the Notice of Abandonment includes a date stamp indicating that the Notice of Abandonment was received by our office on April 17, 2006.
4. I have searched the file jacket for the Notice of Allowance dated November 17, 2005 and the search of the file jacket indicates that the Notice of Allowance date November 17, 2005 was not received.

5. I have reviewed the docket records with Kay Baierl and the docket records do not indicate that the Notice of Allowance was received.
6. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18, of the United States Code and that such willful, false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Dated: May 5, 2006

By: 

Paul T. Dietz
Reg. No. 38,858

MAY 05 2006

PATENT APPLICATION
EXAMINING GROUP 2600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App:	MYERS et al.	Date:	May 5, 2006
S.N.:	09/491,098	Docket No.:	STL 9029.00
Filed:	January 25, 2000	Examiner:	LETSCHER, G.
For:	SOLDER CONTROL FEATURES FOR A DISC DRIVE HEAD FLEX CIRCUIT INTERCONNECT	Art Unit:	2653

**DECLARATION OF KAY BAIERL IN SUPPORT OF PETITION TO
WITHDRAW HOLDING OF ABANDONMENT**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Kay Baierl, declare and state:

1. I am a Paralegal and assigned to docket prosecution matters for Seagate Technology LLC, Intellectual Property, 7801 Computer Avenue South, Bloomington, MN 55435. I have been assigned docketing since June 15, 2005.
2. I am responsible for overseeing all incoming Patent and Trademark Office communications and responsible for seeing that these communications are properly docketed and entered into our computerized docketing system.
3. Incoming mail received is sorted into correspondence that may require docketing and correspondence that does not require docketing. The correspondence that may require docketing is further distinguished between correspondence from the Patent and Trademark Office and other correspondence. After the incoming mail has been date stamped to show date of receipt, I then process all mail from the Patent and Trademark Office and docket required actions.

4. If such a Notice of Allowance dated November 17, 2005 had been received, the communication would have been docketed by entering into the computerized docket system the date the Notice of Allowance was mailed. The computerized docket system would then calculate the due dates for paying the Issue Fee.
5. I have reviewed the records in the law department's docket system and find no entry for the Notice of Allowance dated November 17, 2005 nor any other evidence that would suggest that the Notice of Allowance was actually received by the legal department.
6. In view of the above, I believe that the Notice of Allowance dated November 17, 2005 was not received by the legal department.
7. I declare that all statements made herein of my own knowledge are true and that all statements made on information belief are believed to be true; and further that these statements were made with knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18, of the United States Code and that such willful, false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Dated: 5/5/06By: Kay Baierl

Kay Baierl

Exhibit A

Country Applications

03025 MNI/ Minnesota - Heads

Country: US United States of America 00

Application Info | Remarks | List of Actions | Library History | Cost Tracking Summary

Show All Actions Show Only Outstanding Actions

Action	Due Date	Due Date	Due Date
Review Reason For Allowance?	02-Jul-2005	Due Date	27-Jun-2005
Fee Due in 1 Month	02-Aug-2005	Reminder	27-Jun-2005
Issue Fee Due	02-Sep-2005	Final	27-Jun-2005
File Change of Fee Address	11-Oct-2005	Due Date	21-Oct-2005
Ribbon Copy Received	21-Jan-2006	Due Date	
Notice of Abandonment	11-Apr-2006	Due Date	

SeagateModul 31 Mar 2001 Last Updated: 02 Nov 2005

Application Cost Tracking Availability Table Letter

Record: 1 of 1 (Filtered)

Form View

Exhibit B

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/491,098	01/25/2000	Gregory Paul Myers	30874.80USU1/SEA9029	8093

36733 7390 04/11/2006

SEAGATE TECHNOLOGY LLC
INTELLECTUAL PROPERTY DEPT./ MAIL STOP NRW-097
7801 COMPUTER AVENUE SOUTH
BLOOMINGTON, MN 55435

EXAMINER

LETSCHER, GEORGE J

ART UNIT

PAPER NUMBER

2653

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
Intellectual Property Dept.

APR 17 2006

SEC	<u> <i>LB</i> </u>	L&P	<u> </u>
DKT	<u> </u>	ATTY	<u> </u>
OTHER	<u> </u>	FILE	<u> </u>

Notice of Abandonment

Application No.

09/491,098

Examiner

LETSCHER

Applicant(s)

Myers

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

slk

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 0